

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively  
Consolidated SIPA Liquidation of Bernard L.  
Madoff Investment Securities LLC and the Estate  
of Bernard L. Madoff,

Plaintiff,

v.

HARRY SMITH REVOCABLE LIVING TRUST;  
and LAURA ANN SMITH, as Trustee of the Harry  
Smith Revocable Living Trust and individually,

Defendants.

Adv. Pro. No. 10-04912 (CGM)

**STIPULATION AND ORDER FOR VOLUNTARY  
DISMISSAL OF ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, by

and through his counsel, Baker & Hostetler LLP, the Harry Smith Revocable Living Trust, and Laura Ann Smith, individually and in her capacity as Trustee for the Harry Smith Revocable Living Trust (“Defendant”) by and through her counsel, Helen Davis Chaitman (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 2, 2010, the Trustee filed and served the Complaint against Defendant [Dkt. No. 1].

2. On September 14, 2015, Defendant filed an Answer and Affirmative Defenses [Dkt. No. 40].

3. On April 23, 2021, Defendant Laura Ann Smith filed her voluntary petition for relief under Chapter 7 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Middle District of Florida, Tampa division. *In re: Laura Ann Smith*, Case No. 8:21-bk-02021-CPM (the “Florida Proceeding”). On May 10, 2021, the Trustee filed a Notice Defendant’s Bankruptcy Filings and Imposition of the Automatic stay in this proceeding. [Dkt. No. 90].

4. On May 10, 2021, the Trustee filed a Proof of Claim in the Florida Proceeding on account of amounts asserted in the Complaint [Claim No. 1-1] totaling \$789,729.40.

5. On July 28, 2021, an Order of Discharge was entered in the Florida Proceeding granting a discharge to the Defendant.

6. On October 22, 2021, a Summary of Trustee’s Final Report and Applications for Compensation was filed in the Florida Proceeding indicating the Trustee’s general, unsecured claim would be allowed and paid out of the Chapter 7 estate.

7. On January 19, 2022, the Trustee received payment of \$3,586.58 in full satisfaction of his general, unsecured claim.

8. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice

of the Trustee's claims against Defendants in the above-captioned adversary proceeding, and dismissal of the adversary proceeding.

9. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

10. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic, or electronic copy of this Stipulation shall be deemed an original.

Dated: January 24, 2022  
New York, New York

**BAKER & HOSTELTER LLP**

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*Attorneys for Plaintiff Irving H. Picard, Trustee  
for the Substantively Consolidated SIPA  
Liquidation of Bernard L. Madoff Investment  
Securities LLC and the Chapter 7 Estate of  
Bernard L. Madoff*

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*Attorney for Defendant*

**SO ORDERED.**

**Dated: January 26, 2022  
Poughkeepsie, New York**



**/s/ Cecelia G. Morris**

**Hon. Cecelia G. Morris  
Chief U.S. Bankruptcy Judge**